

Date

David L. Pourciau
Stoneleigh Dr.
Baton Rouge, Louisiana 70808

Re: Ethics Board Docket No. 2015-1386

Dear Mr. Pourciau:

The Louisiana Board of Ethics, at its February 19, 2016 Board meeting, considered your request for an advisory opinion regarding whether you may charge fees to prepare or testify in a matter in which you participated while employed with the Louisiana Department of Transportation and Development (DOTD). You retired as the Chief Appraiser for the Appraisal Office within DOTD on March 26, 2015. You stated that you testified on behalf of DOTD as a review appraiser several times during your employment. You were contacted by a contract attorney for DOTD to testify as an expert witness. The matter in which you are testifying involves projects you reviewed as part of a widening in New Orleans. You were previously determined to be an agency head of the Appraisal Office in Board Docket No. 2015-426.

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would prohibit you from receiving compensation for preparing and testifying via depositions in matters in which you participated while employed by the DOTD for two years from March 26, 2015. La. R.S. 42:1121A(1) provides that no former agency head shall, for a period of two years following the termination of his public service as the head of such agency, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction, involving that agency or render any service on a contractual basis to or for such agency. La. R.S. 42:1121B(1) provides that no former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis to, for, or on behalf of the agency with which he was formerly employed. The services rendered would be for the Appraisal Office and matters in which you participated, therefore, you would be prohibited from receiving fees for such services.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than Code of Governmental Ethics. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

LOUISIANA BOARD OF ETHICS

Brett Robinson
For the Board

DRAFT
THIS IS NOT AN OPINION OF THE BOARD OF
ETHICS